

to the governing body to be used to pay current bonded indebtedness of the municipality. A municipality that has imposed a tax under this section may not extend the period of the tax's imposition or reimpose the tax *unless the extension or reimposition is authorized by a majority of the qualified voters of the municipality voting in an election called and held for that purpose* ~~[after its expiration date]~~. If a city reduces the rate of an additional sales and use tax under Chapter 321, Tax Code, to impose a tax under this section for a limited period as provided under this subsection, and does not have an election to change the rate of the additional sales and use tax before the expiration date of the tax under this section, the rate of the additional sales and use tax under Section 321.101(b), Tax Code, in the city returns to its previous rate in effect at the time the tax imposed under this section was adopted on the expiration date of the tax under this section without having to hold an election under Chapter 321, Tax Code, to impose the increase in the rate.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 5, 1997, by a non-record vote; passed by the Senate on May 26, 1997: Yeas 31, Nays 0.

Approved June 17, 1997.

Effective September 1, 1997, 90 days after date of adjournment.

CHAPTER 750

H.B. No. 1327

AN ACT

relating to the offense of barratry.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 38.01, Penal Code, is amended by amending Subdivision (11) and adding Subdivision (12) to read as follows:

(11) "Solicit employment" means to communicate in person or by telephone ~~[or written communication]~~ with a prospective client or a member of the prospective client's family concerning *professional employment within the scope of a professional's license, registration, or certification* ~~[legal representation]~~ arising out of a particular occurrence or event, or series of occurrences or events, or concerning an existing ~~[legal]~~ problem of the prospective client *within the scope of the professional's license, registration, or certification*, for the purpose of providing *professional services* ~~[legal representation]~~ to the prospective client, when neither the person receiving the communication nor anyone acting on that person's behalf has requested the communication. The term does not include a communication initiated by a family member of the person receiving a communication, a communication by a professional ~~[an attorney]~~ who has a prior or existing *professional-client* ~~[attorney-client]~~ relationship with the person receiving the communication, or communication by an attorney for a qualified nonprofit organization with the organization's members for the purpose of educating the organization's members to understand the law, to recognize legal problems, to make intelligent selection of legal counsel, or to use available legal services. The term does not include an advertisement by a professional ~~[an attorney]~~ through public media.

(12) "Professional" means an attorney, chiropractor, physician, surgeon, private investigator, or any other person licensed, certified, or registered by a state agency that regulates a health care profession.

SECTION 2. Section 38.12, Penal Code, is amended by amending the section heading and Subsections (a) and (b) to read as follows:

Sec. 38.12. BARRATRY AND SOLICITATION OF PROFESSIONAL EMPLOYMENT.

(a) A person commits an offense if, with intent to obtain an economic benefit the person:

- (1) knowingly institutes a suit or claim that the person has not been authorized to pursue;
- (2) solicits employment, either in person or by telephone, for himself or for another;
- (3) pays, gives, or advances or offers to pay, give, or advance to a prospective client money or anything of value to obtain *employment as a professional* [legal representation] from the prospective client;
- (4) pays or gives or offers to pay or give a person money or anything of value to solicit employment;
- (5) pays or gives or offers to pay or give a family member of a prospective client money or anything of value to solicit employment; or
- (6) accepts or agrees to accept money or anything of value to solicit employment.

(b) A person commits an offense if the person:

- (1) ~~[is an attorney, chiropractor, physician, surgeon, or private investigator licensed to practice in this state or any person licensed, certified, or registered by a health care regulatory agency of this state; and~~

~~[(2)]~~ knowingly:

~~[(A)]~~ finances ~~[or invests funds the person knows or believes are intended to further]~~ the commission of an offense under Subsection (a);

~~(2) invests funds the person knows or believes are intended to further the commission of an offense under Subsection (a); or~~

~~(3) is a professional who knowingly~~ [(B)] accepts employment within the scope of the person's license, registration, or certification that results from the solicitation of employment in violation of Subsection (a).

SECTION 3. Section 550.064(b), Transportation Code, is amended to read as follows:

(b) An accident report form prepared by the department must:

(1) require sufficiently detailed information to disclose the cause and conditions of and the persons and vehicles involved in an accident if the form is for the report to be made by a person involved in or investigating the accident;

(2) include a way to designate and identify a peace officer, firefighter, or emergency medical services employee who during an emergency is involved in an accident while driving a law enforcement vehicle, fire department vehicle, or emergency medical services vehicle while performing the person's duties;

(3) require a statement by a person described by Subdivision (2) as to the nature of the emergency; and

(4) include a way to designate whether an individual involved in an accident wants to be contacted by a person seeking to obtain employment as a professional described by Section 38.01(12) ~~[38.12(b)]~~, Penal Code.

SECTION 4. This Act takes effect September 1, 1997.

SECTION 5. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For the purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 14, 1997, by a non-record vote; passed by the Senate on May 21, 1997, by a viva-voce vote.

Approved June 17, 1997.

Effective September 1, 1997.

CHAPTER 751

H.B. No. 1333

AN ACT

relating to the punishment for an offense motivated by bias or prejudice.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 12.47, Penal Code, is amended to read as follows:

Sec. 12.47. PENALTY IF OFFENSE COMMITTED BECAUSE OF BIAS OR PREJUDICE. If the *judge or jury, whichever assesses punishment in the case*, [court] makes an affirmative finding under Article 42.014, Code of Criminal Procedure, in the punishment phase of the trial of an offense other than a first degree felony or a Class A misdemeanor, the punishment for the offense is increased to the punishment prescribed for the next highest category of offense. *If the offense is a Class A misdemeanor, the minimum term of confinement for the offense is increased to 180 days.*

SECTION 2. (a) The change in the law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 1997.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 10, 1997, by a non-record vote; passed by the Senate on May 22, 1997, by a viva-voce vote.

Approved June 17, 1997.

Effective September 1, 1997.

CHAPTER 752

H.B. No. 1336

AN ACT

relating to the emergency protection of children and to the issuance of a legislative continuance in an action for a protective order.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 262.101, Family Code, is amended to read as follows:

Sec. 262.101. FILING PETITION BEFORE TAKING POSSESSION OF CHILD. A petition or affidavit filed by a governmental entity requesting permission to take possession of a child in an emergency shall be sworn to by a person with personal knowledge and shall state facts sufficient to satisfy a person of ordinary prudence and caution that: